

United States District Court
Eastern District of Michigan

United States of America

v.

Christopher Okoye /

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 07-30253

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

T (1) I find that:

T there is probable cause to believe that the defendant has committed an offense

T for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;

T under 18 U.S.C. § 924(c).

T (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear. - Defendant is charged by complaint in the Eastern District of New York with conspiracy to distribute more than one kilogram of heroin. I view the evidence as strong, as it includes the seizure of five kilograms of heroin, a controlled delivery to defendant's home, taped undercover calls and the statements of a co-conspirator. Defendant is a naturalized U.S. citizen of Nigerian heritage. He has a valid passport and business interests in Nigeria. There is evidence of long term drug distribution activity.

" I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community. -

Part II – Written Statement of Reasons for Detention

T I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

Mr. Okoye has family and property ties to this district, but none to the charging district. There is reason to believe that his wife is at least aware of his criminal activity. The defendant has a history of alcohol abuse and was on probation for felony OUIL at the time of the offense conduct. The charging district is requesting detention pending removal. Defendant has waived his identity hearing and reserves his preliminary exam to be held in New York. Pretrial Services recommends bond, but I view the defendant as a flight risk. I find that any bail should be set by the charging district. Defendant's assets appear to exceed his legitimate income.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: May 14, 2007

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge